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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO.       |
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| 10/687,446   | 10/16/2003  | Ronald A. Katz       | 6046-101N7                | 4070                   |
| 35554  | 7590        | 07/14/2008           |                           |                        |
| REENA KUYPER, ESQ.<br>BYARD NILSSON, ESQ.<br>9255 SUNSET BOULEVARD<br>SUITE 810<br>LOS ANGELES, CA 90069 |             |                      | EXAMINER<br>WOO, STELLA L |                        |
|  |             |                      | ART UNIT<br>2614          | PAPER NUMBER           |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 21, 2008 has been entered.

### ***Specification***

2. The preliminary amendment filed October 16, 2003 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the newly introduced subject matter in paragraphs 49 and 52 which describe wireless video communication. In paragraph 49 of the specification, as originally filed in parent application 08/189,405, applicant states "It is currently recognized that cellular transmission will ultimately provide dynamic motion and high resolutions freeze frame displays." Therefore, it is clear that **at the time of invention**, Applicant did not have possession of the claimed invention.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 17-38, 40-50, 52-67 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Claim 19 recites a “wireless video communication structure” (claim 19, line 5). However, the specification does not describe displaying video, graphic and text data at a wireless video communication structure in such a way as to reasonably convey that the inventor had possession of the claimed invention. In paragraph 49, the specification, as originally filed, describes using a cellular telephone for voice communication in the event of complications with the buyer’s video terminal. Applicant then states “It is currently recognized that cellular transmission will ultimately provide dynamic motion and high resolutions freeze frame displays.” Therefore, it is clear that **at the time of invention**, Applicant did not have possession of the claimed invention.

Claim 67 similarly recites “the stored video transcriptions are received through cellular transmission” which is not supported by the specification as described above with regard to claim 19.

Claim 17 recites “electronically transmitting an indication of confirmation relating to the transaction initiated after an interface between the interfaced buyer and the traffic control system is terminated.” However, the specification does not describe such a confirmation.

### ***Response to Arguments***

5. Applicant's arguments filed April 21, 2008 have been fully considered but they are not persuasive.

Regarding the lack of support for wireless video communication structures, Applicant again turns to the last sentence of paragraph 49 in his specification which refers to U.S. Patent 4,825,457 as providing support for wireless video communication. However, this last sentence was added in a preliminary amendment filed October 16, 2003 and introduces new matter into the disclosure of the invention. Moreover, Applicant cannot turn to another reference to show support for that which is missing in Applicant's own disclosure. Again, this reference to another patent was not included in the originally filed specification.

Regarding the lack of support for “electronically transmitting an indication of confirmation relating to the transaction initiated after an interface between the interfaced buyer and the traffic control system is terminated,” Applicant turns to the Exemplary Notification Receipt (depicted in Figure 10 in the drawings filed October 16, 2003, not Figure 9 as asserted by Applicant). The interface between the interfaced buyer and the traffic control system is defined by the preamble of claim 17 as the interfacing of “a video storage device storing video data for one or more vendors with buyers at remote

locations using video communication structures." However, the Exemplary Notification Receipt depicted in Figure 10 is transmitted to the buyer after a request for proposal notice has been sent to vendors. It is not transmitted as a confirmation indication after the buyer has interfaced with the video storage device storing video data for one or more vendors.

### ***Conclusion***

6. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stella L. Woo/  
Primary Examiner, Art Unit 2614